

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AIR SEA INTERNATIONAL
FORWARDING INC.,

Plaintiff,

v.

GLOBAL IMPORTS and TRADING, INC.,
et al.,

Defendants.

Civil Action No. 03-cv-268 (PGS)

ORDER

WHEREAS a Report and Recommendation was filed on April 18, 2008 recommending that this Court grant Plaintiffs' motion to dismiss the following defendants St. Croix Trading and Collectibles, Inc., The Tank Group, LLC, Gerald W. Tank, and Scott M. Tank for lack of personal jurisdiction. The parties were given notice that they had ten days within which to object to the Report and Recommendation pursuant to Local Civil Rule 72.1(c)(2). No objection having been received; and the Court having reviewed the Report and Recommendation de novo; and good cause appearing;

WHEREAS this matter having come before the Court on a motion for summary judgment by David Tank, St. Croix Imports, Inc., and St. Croix Imports and Trading, and the Court having considered the moving papers and having heard argument;

WHEREAS the Court finds there are numerous factual disputes, including but not limited to

(1) David Tank's involvement in the shipping of the wool rugs from India, as evidenced by the use of various corporate names on the business documents relating to the transactions such as

the bill of lading ;

(2) the nature of the relationship between St. Croix companies, Global and how each operated with respect to the shipment of wool rugs at issue; as it differs from the testimony of Ray Tobia and David Tank;


(3) the scope of the personal guarantee of David Tank and St. Croix Imports Inc., as contradicted by their role in shipping the rugs from India.

It is, on this 2nd day of June, 2008,

ORDERED that the Report and Recommendation of Magistrate Judge Esther Salas is hereby adopted as the opinion of the Court; and it is further

ORDERED that the motion for summary judgment on behalf of David Tank, St. Croix Imports and St. Croix Imports and Trading is denied.

June 2, 2008



PETER G. SHERIDAN, U.S.D.J.